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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,531	05/31/2000	Shai Mohaban	50325-0085	6019

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EXAMINER

FERRIS, DERRICK W

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 09/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/586,531

Applicant(s)

MOHABAN ET AL.

Examiner

Derrick W. Ferris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. **Claims 1-3 and 21** are rejected under 35 U.S.C. 102(a) as being anticipated by “RSVP Receiver Proxy” to *Gai et al.* (“*Gai*”).

As to **claim 1**, *Gai* in figure 1 (page 6) discloses a sending host H1, a receiving host H2 and an RSVP receiver proxy as R1. The proxy server PS1 determines whether to make the reservation. As a result the RSVP proxy receiver generates and communicates a RESV message (see sections 3-4).

As to **claims 2 and 3**, see section 3 on page 7 where examiner notes a reasonable but broad interpretation of “traffic parameter values”.

As to **claim 21**, see the rejection for claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. **Claims 4-7, 9-17, 19-20 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over “RSVP Receiver Proxy” to *Gai et al.* (“*Gai*”) in view of U.S. Patent No. 6,101,549 to *Baughner et al.* (“*Baughner*”).

As to **claim 4**, examiner notes *Gai* may not clearly teach determining both next and previous hop parameter values associated with the anticipated traffic flow. Examiner notes that it would have been obvious to someone skilled in the art prior to applicant’s invention to determine both the next and previous hop parameters given the teachings of *Gai*. In particular, *Gai* recommends placing the proxy as close to the source and provides an example of the proxy adjacent to the source. However, *Gai* also teaches that the proxy can be placed closer to a destination. Thus in placing the proxy further away from the source, one would be motivated to determine both a next and previous hop parameter. Examiner notes further support as taught in sections 4 and 4.1 of *Gai*. In addition, *Baughner* provides further motivation and support by disclosing a similar RSVP proxy (typically implemented in a firewall) which also determines a previous and next hop as shown in figure 3. Thus *Baughner* also provides additional support for determining previous and next hop parameters.

As to **claims 5-6**, see section 4.1 of *Gai* on page 8. Rate and size of packets are shown as part of the policy data and/or flow descriptors as is known in the art for QoS (i.e., in support of the QoS spec).

As to **claim 7**, see sections 3 and 4 of *Gai* where examiner notes a reasonable but broad interpretation of additional anticipated traffic flow attributes.

As to **claim 9**, again *Gai* discloses a specific example of an RSVP proxy next to a source device. Examiner notes that it would have been obvious to someone skilled in the art prior to applicant's invention to communicate a RESV message along at least a subset of an anticipated PATH defined by the RSVP Path message if the RSVP proxy is closer to the destination host. As support, *Gai* discloses that an RSVP proxy receiver could be any switch/router such that if R5 in figure 1 (page 6) is selected then the RSVP Resv message traverses back along a subset of an anticipated PATH. Thus *Gai* provides additional motivation for traversing a subset of the path. In addition, *Baughner* also provides additional support and motivation for traversing along a subset of the path as shown in figure 3.

As to **claim 10**, using a broad but reasonable interpretation of "adjacent to the path" it would have been obvious to someone skilled in the art prior to applicant's invention to attach a proxy receiver adjacent to the path. As support and motivation, *Gai* teaches a proxy node that is adjacent to the path (see figure 1 of *Gai*) as either a router or part of a policy server. As further support, see figure 3 of *Baughner* which teaches another interpretation of an adjacent proxy device.

As to **claim 11**, in addition to the rejection to claim 1, *Gai* is silent or deficient on how the concept of an RSVP receiver should be implemented (i.e., in reference to using a computer readable medium). Examiner notes it would have been obvious to someone skilled in the art to implement the functionality of *Gai*

as a computer readable medium. Examiner notes a design choice/decision as the motivation.

As to **claim 12**, see the rejection for claim 2.

As to **claim 13**, see the rejection for claim 3.

As to **claim 14**, see the rejection for claim 4.

As to **claim 15**, see the rejection for claim 5.

As to **claim 16**, see the rejection for claim 6.

As to **claim 17**, see the rejection for claim 7.

As to **claim 19**, see the rejection for claim 9.

As to **claim 20**, see the rejection for claim 10.

As to **claim 22**, in addition to rejection for claim 11, *Gai* is silent or deficient to using a processor. Examiner notes that it would have been obvious to someone skilled in the art prior to applicant's invention to use a processor. As support, *Baughner* cures the deficiency by disclosing a CPU 32 (figure 2) of a host computer system such as a proxy host. Thus *Baughneri* provides a motivation for using a processor for an RSVP proxy.

5. **Claims 8 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over "RSVP Receiver Proxy" to *Gai et al.* ("*Gai*") in view of "Speech communication for working group based on LAN" to *Lin et al.* ("*Lin*").

As to **claim 8**, *Gai* is silent or deficient to using an IP phone in particular. Examiner notes that it would have been obvious to someone skilled in the art prior to applicant's invention to use a non-RSVP IP device in general, and more

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particular and IP phone as a host. *Gai* provides motivation by representing any IP device that does not support RSVP which could be an IP phone. *Lin* helps cure the deficiency by disclosing an IP phone thus teaching that an IP device can be a telephone [page 880 left-hand column].

As to **claim 18**, see the rejection for claim 8.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (703) 305-4225. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

Derrick W. Ferris
Examiner
Art Unit 2663


DWF


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 9/15/13